

REMARKS

It is noted that this paper is herewith submitted in response to the fifth office action for this patent application. The Examiner is respectfully requested to either allow the pending claims, or issue a final rejection, in order to facilitate the prosecution of this application to a final resolution.

Claims 13 and 24, and all claims dependent thereon, are rejected under 35 USC 101 as being drawn to non-statutory subject matter. Independent claims 13 and 24, and all claims dependent thereon, have been amended to recite a "computer-readable storage medium", and should be found to be free of rejection under 35 USC 101.

Other merely clarifying amendments have been made to claim 1.

Claims 1, 2, 4, 5, 9, 12, 13, 14, 16, 17, 21, 24 and 26 are rejected under 35 USC 102(b) as being anticipated by US 6,160,877 (Tatchell et al.), claims 3, 6-8, 11, 15, 18-20, 23, 25, 27 and 28 are rejected under 35 USC 103(a) as being unpatentable over Tatchell et al. in view of US 6,707,901 (Hodges et al.), and claims 11 and 23 are rejected under 35 USC 103(a) as being unpatentable over Tatchell et al. in view of US 2007/0047714 (Baniak et al.), all newly cited and applied. These rejections are respectfully disagreed with, and are traversed below.

In rejecting the claims under 35 USC 102(b) the Examiner states that the telephone system of Tatchell et al. includes means for applying the user specified profile and for modifying the user specified profile in response to a location of the user, and further states that Tatchell et al. teach that locations are applied and modified based on location.

The Examiner has apparently overlooked an element of independent claims 24 and 26. For example, an element of claim 24 is that an action comprises "**automatically modifying** the profile based upon a location of the user", while in claim 26 it is said that the apparatus includes:

"a processor for coupling to a user of a wireless communication system to guide

the user through a sequence to specify at least one profile comprising at least one filter to be applied to an incoming call to the user, and to **automatically modify** a specified profile in accordance with a location of the user."

It is not seen where Tatchell et al. disclose or suggest the automatic modification of a specified user profile based on a location of the user. For example, col. 9, line 64 to col. 10, line 5 states the following:

Referring now to FIG. 2b, we have shown a call scenario wherein a call to a subscriber is intercepted by the Personal Agent. In the scenario of FIG. 2b, a calling party 24 is trying to reach the subscriber at the office location 25 by dialing the subscriber's office DN 746-2010. The subscriber has modified the profile to intercept all calls to his office DN and route calls from predetermined calling parties directly to the subscriber's home telephone number, i.e. DN 829-5623. An incoming call would be routed as follows:

The Examiner also referred to col. 20, lines 21-34. What is stated there is the following:

Yet another call management feature is the "call forward" option. The call forward option allows the subscriber to direct incoming calls to their current location. In order to permit this, the subscriber informs the agent as to their current whereabouts. This may automatically be done each time the subscriber contacts the Personal Agent from any location. The subscriber may identify one of the principal subscriber numbers by name, for example, "home", "work", "cellular". In the case of remote locations, the subscriber would identify the remote location by name, for example, by saying "here" or by saying a name in the contact database or by entering the telephone number through DTMF entries. If call forwarding is requested to areas requiring toll charges, a password may be requested.

The Examiner also referred to col. 4, lines 22-26. What is stated there is the following:

In accordance with another feature of the present invention, the subscriber's location for the purpose of routing incoming calls can be dynamically tailored according to the location from where the subscriber is contacting the Personal Agent.

Clearly, none of the cited passages, nor any other passages, disclose that the system of Tatchell

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et al. operates to automatically modify a specified profile in accordance with a location of the user, as is recited in claims 24 and 26. This being the case, Tatchell et al. cannot anticipate claims 24 and 26, as not all material elements found in these claims can be found in Tatchell et al.

To even further clarify the claimed subject matter each of claims 1 and 13 have been amended above in a similar manner.


The Examiner is respectfully requested to reconsider and remove the rejection of independent claims 1, 13, 24 and 26 under 35 USC 102(b) as being anticipated by Tatchell et al., and to allow these claims.

Further, in that all of the independent claims are in condition for allowance, then all of the dependent claims are in condition for allowance for at least this one reason alone. For example, and referring to claim 7, what is recited is that the system "identifies the time zone of the location of the user and automatically applies a profile if the time zone of the user corresponds to the time zone in the profile". The proposed combination of Tatchell et al. and Hodges et al. is not seen render this claim unpatentable. Those portions cited by the Examiner (e.g., col. 9, line 48 to col. 10, line 18) appear to relate to informing a calling party that a called party is in a different time zone, giving the calling party the option to continue the call, abandon the call, or route the call to voice mail.

It is submitted that the claims herein as presented for examination patentably define over the art relied on by the Examiner and the early allowance of same is earnestly solicited.

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